



STATE OF NEVADA
Nevada State Board of Massage Therapists
111 W. Telegraph St., Suite 200
Carson City, Nevada 89703

Governor Kenny Guinn

MINUTES

October 26, 2006, 9:30 am

BOARD MEMBERS

Reagan Alexander*
Karen Sartell*
Billie Shea*
Joe Cracraft*

NON-BOARD MEMBERS

Lisa Cooper*, Executive Director
Keith Marcher*, AG Office

BOARD MEMBERS:

Paula Spradling*
Michelle Viesselman*
Deborah Wenig*
Linda White *

*Present

LOCATION:

Nevada Department of Justice
Office of The Attorney General
100 North Carson Street
Carson City, Nevada 89701

VIDEO CONFERENCE LOCATION:

Grant Sawyer State Office Building
Attorney General Conference Room 3315
555 E. Washington Ave
Las Vegas, Nevada

1. Roll call/Introduction of Board Members
All members were present.

2. Discussion/Approval on Board Minutes from prior meeting.
Michelle Viesselman proposed, and Joe Cracraft seconded, that the minutes from the September 11, 2006 be approved with modifications (correct the numbering and change the word 'nominated' to 'motioned' in item number 5. The minutes were unanimously approved.

3. List of massage license applications received by the Board
 - a. Licenses approved and authorized by the Chair
 - b. Applications with outstanding issues

Lisa Cooper reviewed the lists with the Board members. The lists were not available to the public during this meeting because they contained personal information. A modified list without personal information will be available at future meetings. At the time of the printing of the list, 228 massage therapists have been licensed.

There were 26 outstanding applications with issues. Some applications had just been received prior to this meeting and had not been processed yet. The most common reasons for holding the rest of the applications were: waiting for the finger print report, and that the applicant had sent the application with a personal check instead of a money order even though the application states that a cashier's check or money order is required. Lisa Cooper reported that it is taking from three to four months for the fingerprinting report to be received. There was one application that will need to come before the Board and that application will be reviewed in December or January. Lisa Cooper will notify the applicant when the review will take place.

4. Financial Report (bank balance, expenditures, outstanding bills) and decision on which bills to pay - Karen Sartell

Karen Sartell asked Lisa Cooper to provide the report. Lisa Cooper reported that there were no outstanding bills at this time. The Board reviewed the Profit and Loss Statements that were provided for three periods of time (July through October 2006, September 2006 and October 2006). The Board asked Lisa Cooper if she could estimate what the monthly expenses look like. Lisa Cooper guesstimated that the monthly expenses, after leasing an office and equipment, would probably run around \$10,000. Debra Wenig made a motion to approve the financial report. It was seconded by Michelle Viesselman and unanimously approved by the Board.

5. Discussion/possible decision on purchases and acquisitions.
 - a. Discussion/possible decision on purchases needed to establish an office.
 - b. Discussion/possible decision on renting an office for the Massage Board.

The Board discussed, in general, the office equipment that needed to be purchased or leased in order to furnish the Massage Therapy Board office. Lisa Cooper reported that she would check the state system warehouse for items that would be suitable for the office. Paula Spradling suggested that the Board price leasing a color copier. Currently the Board is paying \$0.97 per page to print the licenses. Lisa Cooper will compare the costs of leasing/buying a printer and a copier versus buying/leasing a single machine that is able to perform both functions. Paula Spradling proposed that the Board give Lisa Cooper prior approval to obtain items for the office without consulting the Board on each individual item. This will permit her to take advantage of sales. The Board agreed with the proposal.

Lisa Cooper reviewed the three offices that Lisa Cooper, Billie Shea and Linda White had viewed (Karen Sartell viewed two of the offices with the group also before she had to leave.) Office #1, located in Suite 109, 4600 Kietzke Lane Building A, was the smallest space viewed. It would not be available until the end of January and it would not be available then because it needed build-out time. A larger suite was available temporarily until the smaller suite was available.

Office #2, located in Suite 111, 1575 Delucchi Lane, was the largest space viewed. The lease had to be signed by November 1 for January 2nd occupancy. This space needed the most build-out.

Office #3, located in Suite 250, 1755 East Plumb Lane needed no build-out and was available December 15.

The Board discussed the pros and cons of all the locations. The Kietzke and Delucchi offices have access to a conference room. Lisa Cooper was not sure if a conference room was available in the Plumb office. The Plumb office was the most expensive but had a convenient location near the airport and was on a busy street. The Board would outgrow office #1 within a few years. Office #2 was too large for now and needed extensive build-out.

The Board members who viewed all three offices preferred the Plumb Lane office. After further discussion Paula Spradling made a motion which Linda White seconded that Lisa Cooper move forward in leasing office #3, 1755 East Plumb Lane, Suite 250, if there was a conference room available in the building that could be used for Board meetings. The Board unanimously approved the motion.

6. .Discussion on progress of the Clark County study that may change zoning regulations pertaining to massage therapy businesses.

Paula Spradling reported that she and Michelle Viesselman attended the meeting. The meeting focused on a complaint from an individual in Spring Valley who had concerns regarding a nearby business establishment. The meeting focused primarily on whether the zoning , i.e., distance of that type of business establishment from other businesses, needed to be changed. Michelle Viesselman pointed out that the business was conducting illegal activities and that zoning would not impact the illegal activities as much as it would impact legal businesses that were not affecting the nearby businesses.

Patricia Peale from the Clark County Business Office reported that the purpose of the meeting was to pull a special use permit. The procedure is that the Metropolitan Police Department reports to zoning. Zoning then reviews the report. The report is introduced at one meeting and then there is a public hearing at the second meeting where it is decided if the special use permit would be pulled. This situation was unique in that the business establishment was renting the space and the owner had nothing to do with the activities that were taking place. The purpose of the meeting was to discuss the distance between establishments.

Billie Shea pointed out that if illegal activities were being performed by massage therapists, the massage therapist's license could be pulled right away and the Massage Therapy Board would be notified. Karen Sartell referred the Board to NRS 640C.720.2 "If a massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director. Upon receiving such a report, the Executive Director shall immediately issue a cease and desist order temporarily suspending the license of the massage therapist. The temporary suspension of the license is effective immediately upon issuance of the cease and desist order and must not exceed 15 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public, pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 15 days after the date on which the executive Director issues the cease and desist order."

Reagan Alexander stated that this is an emerging issue. The law has been passed but law enforcement officials are not aware of it. The most common complaints against massage therapists are not prostitution but are usually regarding narcotics or stolen property. He would notify other law enforcement officials that there are other ways to take action against massage therapists who are involved in illegal activities.

He announced that there would be a meeting in Las Vegas on November 9, 2006. Law enforcement officials and business license officials have been invited to attend from the jurisdictions within the greater Las Vegas area: City of Las Vegas, North Las Vegas, Clark County, Boulder City, Henderson, Nye County, and Mesquite. Karen Sartell asked if the Health Department could be invited also since they are requesting massage therapists to have a health card and that is not indicated in the law.

Attendees at the meeting will discuss the massage therapy law and began setting up uniform procedures to be used by all jurisdictions in reporting problems with massage therapists. The outcome of the meeting will be reported back to the next Board meeting.

Johan Voltz asked if there could be public comment. Reagan Alexander replied that Johan Voltz could comment as long as it was pertinent to the topic being discussed. Johan Voltz stated that Clark County requires the manager of a massage therapy establishment to have a massage therapist license. Reagan Alexander informed him that the Massage Therapy Board will not have anything do with the establishment. That is the owner's responsibility.

7. Discussion/possible decision on the requirements for work cards and if cities/counties will still require work cards if the therapists hold a valid state license

Reagan Alexander then went on to discuss the work cards. This is one of the emerging issues that the Board will have to discuss with each jurisdiction's business office. The planned November 9, 2006 meeting will begin this process. This is a transition phase and there is much confusion.

Currently, Clark County requires a work card. Typically, the massage therapist completes an application that includes a background check and fingerprinting before the work card is issued. The Nevada casinos, both in the north and south, are familiar with this system and will not hire someone unless they have a work card. Now massage therapists are coming to the Clark County Business Office with their state license. An individual could not obtain a state license unless a background check and fingerprinting have already been done. The massage therapist cannot go directly to the office that issues work cards because there has been no release from the Metropolitan Police Department that the background check and fingerprinting was done. Therefore no work card is issued and the spas at the casinos refuse to hire massage therapists without work cards. The Metropolitan Police Department must comply with the local regulations and it is unable to issue the work cards.

Reagan Alexander introduced the attendees from the Clark County and Las Vegas Business Offices: Jim DiFiore, Carol Meyer and Carol Ann Klinkhammer from the City of Las Vegas and Patricia Peal from Clark County. He asked them to comment regarding the current situation.

Jim DiFiore stated that the City of Las Vegas no longer requires work cards. Patricia Peal stated that Clark County is considering whether it needs work cards but has not reached a resolution at this point in time. She pointed out that any massage therapist, who works in Clark County, regardless of where they work, must have a work card. She asked for clarification: does the Massage Therapy Board regulate business establishments? Billie Shea responded that the Board does not regulate establishments, just massage therapists.

The Massage Board recommended that the local jurisdiction accept the Massage Therapy State License in place of the work card. Billie Shea pointed out that Nevada statutes state that jurisdictions cannot duplicate efforts. If a background check and fingerprinting have already been done, then a local jurisdiction cannot require individuals to repeat the background check and fingerprinting. Patricia Peal stated that she could not change the current local laws that require a work card.

However, after further discussion, it was agreed that Clark County, the Metropolitan Police Department and the State Board would work closely together, on a case by case basis and review applicants that are having these problems. A six month temporary work card will be issued based on the Massage Therapy State Board approval. The code revision will take months

but meanwhile the massage therapists who have fulfilled all the obligations and have been issued a state license will be able to work.

This issue will be discussed at the November 9, 2006 meeting. Billie Shea and Lisa Cooper will attend and share the information with the attendees.

8. Discussion pertaining to exempting other healing modalities or establishing requirements for licensing to include testing and educational minimum requirements.

This item was tabled until January.

9. Discussion/possible decision on Nevada Administrative Codes (NACs) in process and new NACs that need to be drafted.

Currently there are no NACs to be written. Keith Marcher informed the Board that the NACs will be processed as temporary. The Executive Director can schedule workshops where the NACs will be discussed. He said that there was no reason for the Board members to attend the workshops.

10. Discussion/possible decision on schedule of days for future meetings.
 - a. Monthly meetings to review applications and for special meetings.
 - b. Quarterly meetings to be held in alternate locations to work on ongoing business and bring the Board together in one meeting location.

The Board discussed the format of future meetings. Billie Shea proposed that the Board meet on the second Friday of each month via video or telephone conferencing and handle routine items during those meetings. In addition, the Board would meet quarterly face-to-face, alternating the meetings between the north and south. Karen Sartell suggested that the face-to-face meeting should be a longer meeting of a day to justify the expense of the travel. After discussion, Michelle Viesselman made a motion, seconded by Paula Spradling, that the Board accept the proposal that the Board would meeting monthly via conferencing and face-to-face quarterly, alternating the location of the meeting. The Board accepted the proposal with one opposed.

11. Future agenda items

Future agenda items include Board travel and per diem, financial report, report of the 11/9 meeting. Lisa Cooper asked Board members to send her agenda items prior to the next meeting.

12. Discussion/possible decision on setting date and time for next meetings

Lisa Cooper stated that this new format would begin in January. The next meeting would be December 7, 2006 at 9:30 am at the same locations as the October 26, 2006 meeting.

13. Public Comments

Debra Riley asked the Board to begin the process of submitting the background check earlier for students so they are able to find employment after graduation and do not have to wait three to four months until the background check is completed.

Salvadore Marintez stated that he is not licensed yet and wondered which continuing education (CE) rules he should follow: NCB or the local jurisdiction. The Board stated that it is up to him which CE rules he follows. Once he is licensed, then he should follow the State Board requirements. It will be up to him if he also wishes to maintain his NCB membership.

Johan Voltz commented that Clark County doesn't require background checks for business licenses. Henderson requires background checks for business licenses. At that point, he was interrupted because the Board had to relinquish the video conferencing rooms. He, along with the remaining attendee who had questions/comments, Yoshi Nozaki, were asked to send an e-mail to Lisa Cooper and she would respond.

14. Adjournment

The meeting adjourned at 12:10 p.m.